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February 24, 2022

VIA ECF

The Honorable Lewis A. Kaplan
United States District Court
Southern District of New York
Daniel Patrick Moynihan
500 Pearl Street
New York, New York 10007

Re: Carroll v. Trump, 20-cv-07311 (LAK) (JLC)

Dear Judge Kaplan:

The parties write in joint response to your request for more information to clarify the timeline concerning any previous stays in this matter and their relation to the timing of the amendments to New York's anti-SLAPP statute.

State court. The state court never entered a stay in this matter. Defendant filed a motion to stay on February 4, 2020, which (under New York's procedural rules) effectively stayed the proceedings, but did not operate as the entry of a formal stay. *See* Case No. 160694/2019, NYSECF Doc. No. 43. Defendant's state court motion to stay was denied on August 3, 2020. *See id.*, NYSECF Doc. No. 110. Immediately following the denial of that motion, the parties engaged in negotiations concerning the scope of discovery, although no discovery was actually produced. On September 8, 2020, the Justice Department filed its notice of removal to federal court.

Anti-SLAPP Amendments / federal court. Just over two months later, on November 10, 2020, Governor Andrew Cuomo signed into law the relevant amendments to New York's anti-SLAPP statute. One month after those amendments took effect—on December 10, 2020—Defendant filed a letter motion requesting that Your Honor stay all proceedings in this case. *See* Dkt. 47. The next day, Your Honor held a hearing on that motion and established a briefing schedule. *See* Dkt. 48. Plaintiff subsequently submitted a brief opposing Defendant's motion to stay. *See* Dkt. 50. Your Honor denied Defendant's motion to stay on September 15, 2021. *See* Dkt. 56. Defendant filed the instant motion to amend the answer two and a half months later (on December 1, 2021). *See* Dkt. 59.

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Finally, to address the separate, related question raised at oral argument: Defendant (represented by Ms. Habba) moved to amend his answer to add an anti-SLAPP counterclaim in the state court case of *Zervos v. Trump* on October 18, 2021. *See* Case No. 150522/2017, NYSECF Doc. No. 283.

Respectfully submitted,



Roberta A. Kaplan

cc: Alina Habba, Esq.